

**STATE HISTORICAL RESOURCES COMMISSION
DEPARTMENT OF PARKS AND RECREATION**

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WILLIAM R. HILDEBRANDT, Ph.D.
MARY L. MANIERY
CAROL L. NOVEY
SUE SCHECHTER
DR. KNOX MELLON
.....Executive Secretary

Quarterly Meeting of the
STATE HISTORICAL RESOURCES COMMISSION

Flamingo Resort Hotel and Conference Center
Court Yard 1 Room
2777 Fourth Street
Santa Rosa, California

May 2, 2002

MINUTES

Approved 8/2/02

COMMISSIONERS PRESENT

Anthea Hartig, Ph.D., Chairperson
Lauren Bricker, Ph.D., Vice Chairperson
Phillip P. Choy
Kathleen Green
John D. Henderson, FAIA
William R. Hildebrandt, Ph.D.
Mary L. Maniery
Carol L. Novey

COMMISSIONERS ABSENT

Sue F. Schechter

STAFF PRESENT

Knox Mellon, Executive Secretary
Stephen Mikesell, Deputy State Historic Preservation Officer
Gene Itogawa, Staff Historian
Rachel Magana, Recording Secretary
Cynthia Howse, Staff Architectural Historian
Tara Lynch, DPR staff Counsel
Susan Jackson, Business Services Officer

Paula Jow, Associate Parks and Recreation Specialist
Sandra J. Elder, Assistant Executive Secretary Emeritus

I. CALL TO ORDER

Legal notice having been duly given, the State Historical Resources Commission meeting was called to order at 9:00 a.m. by Chairperson Hartig.

II. PLEDGE OF ALLEGIANCE

Chairperson Hartig led the Pledge of Allegiance.

III. INTRODUCTION OF COMMISSION MEMBERS AND STAFF

Commission members introduced themselves. Dr. Knox Mellon introduced the Office of Historic Preservation staff and Legal Counsel Tara Lynch.

IV. WELCOME

Chairperson Hartig introduced Roberta Deering, Executive Director of the California Preservation Foundation (CPF). Ms. Deering welcomed the Commission and acknowledged the State Office of Historic Preservation, the City of Santa Rosa and others as co-sponsors of the 27th Annual CPF conference. She thanked the State Historical Resources Commission for holding its quarterly meeting in conjunction with the conference and hoped the Commission will join CPF in Santa Barbara in 2003.

Chairperson Hartig introduced Denzil Verardo, Ph.D., Chief Deputy Director, Administrative Services, Department of Parks and Recreation. Dr. Verardo stated that California is in one of the greatest periods for historic preservation in state government history. The passage of Proposition 40, with its provision for multi-millions of dollars of competitive grants for historic preservation, can provide for considerable tangible renewal and preservation of California's historic resources. Not since the first state park bond in 1928 does a proposition have the promise for as great an impact on the state's historic resources. The Office of Historic Preservation and the State Historical Resources Commission, along with other state agencies, can exert a permanent leadership role in elevating the visibility for the preservation of California's cultural and historic heritage for future generations. No matter what the fate of SB 1247, the Office of Historic Preservation's visibility will be greater. Bond dollars foster leadership. There are grants to be given out and people will want those dollars and will look to the Office and Commission for direction and guidance. The challenge will be to leverage that immediate elevated visibility into one that provides permanent excitement in preserving our heritage.

Dr. Verardo noted that recently the *Santa Rosa Press Democrat* published an editorial stating that "Californians don't give a rip about history. Maybe it's because California has filled its allotted space with several million people from someplace else." Dr. Verardo explained that perhaps because he is a first generation American and native Californian whose parents imbued in him a strong sense of historical value, he took offense at this editorial. He expressed satisfaction that 120,000 people attended historic demonstrations at an Admission Day event at Capitol Park in 2000. He stated

that 5-8,000 African Americans visited Allensworth State Historic Park for special events. And now, Californians have spoken, including large majorities of those “from someplace else.” He observed that sixty-five percent of Latinos voted for Proposition 40, a greater percentage than the traditional Anglo population normally associated with park bonds. Finding and funding projects relevant to the heritage of the montage of Californians will be a leadership challenge that can give new meaning and relevance to the historic preservation movement in this state. The challenge is great; the opportunities incredible; and the Commission’s talent unsurpassed. On behalf of the Department, Dr. Verardo thanked the Commission for accepting the challenge.

V. APPROVAL OF MINUTES OF FEBRUARY 2, 2002

Commissioner Henderson moved to adopt the February 2, 2002 meeting minutes. Commissioner Maniery seconded the motion. Chairperson Hartig requested that corrections be made on page 13, last line of the Coronado Belt Line discussion to read; separate findings would be presented to the Commission for approval. **Action:** Motion carried unanimously.

VI. COMMISSION AND STAFF REPORTS

A. CHAIRPERSON’S REPORT

Chairperson Hartig agreed with Dr. Verardo that the historic passage of Proposition 40, which the Commission endorsed wholeheartedly, will help change the landscape of historic preservation. The Public Policy and Legislation Committee is monitoring the legislation on SB 1247. Chairperson Hartig expressed the hope that the monies will be available in a competitive granting environment to a full range of projects.

Chairperson Hartig announced the establishment of a new Commission committee, the Cultural Resources of the Modern Movement Committee, chaired by Commissioners Bricker and Henderson. Chairperson Hartig announced that the Historic Preservation Symposium in Inland Southern California is scheduled for May 10, 2002 at CalPoly Pomona.

B. EXECUTIVE SECRETARY’S REPORT

Executive Secretary Mellon stated that he shares Dr. Verardo’s views on Proposition 40 and its relationship to SB 1247. There is a tendency to place too much emphasis on SB 1247, which among other things proposes to remove the State Office of Historic Preservation from Parks and Recreation and put in a yet to be decided location. Dr. Mellon stated that the most important action was the passage of Proposition 40, which provides \$267,000,000 that will be dispensed in a wise and responsible way for cultural resources and historic preservation. Dr. Mellon announced that the Office of Historic Preservation, Heritage Grant Program’s first phase grants results totaling \$4,000,000 dollars would be announced by Eugene Itogawa and Paula Jow later in the meeting. Dr. Mellon expressed how proud he was of staff and that he looked forward to the awarding of \$4,500,000 in the second cycle of grand funds.

VII. RESOLUTIONS

Chairperson Hartig announced the awarding of three Commission resolutions: Resolution No. 2002-02, recognized the City of Campbell as a Certified Local Government. Jeanette Watson, Mayor of City of Campbell and Sharon Fierro accepted the resolution. Resolution No. 2002-03, recognized the City of Santa Ana as a Certified Local Government. Rose Anne King, Chairperson, Santa Ana Historical Resources Commission and Mya DeRosen, Senior Planner, City of Santa Ana, accepted the resolution. Resolution No. 2002-04 recognized Diane Thompson for her distinguished and dedicated public service to the State Historical Resources Commission and the Office of Historic Preservation.

VIII. SLIDE PRESENTATION

Staff Historian Cynthia Howse explained the registration programs, discussed the various criteria by which nominations are judged, and explained the varying levels of integrity demanded by the various programs. She presented slides of all the properties on the Commission agenda.

IX. CONSENT CALENDAR

A. NATIONAL REGISTER OF HISTORIC PLACES

The following National Register of Historic Places nominations have been scheduled on the Consent Calendar:

Ziegler Estate

Los Angeles, Los Angeles Co.
Local Level of Significance

Forest Home Farms

San Ramon, Contra Costa Co.
Local Level of Significance

Mohnike Adobe Ranch

San Diego, San Diego Co.
Local Level of Significance

B. CALIFORNIA POINTS OF HISTORICAL INTEREST

Martinez Railroad Station

Martinez, Contra Costa Co.

Fresno Flats Townsite

Oakhurst, Madera Co.

C. CALIFORNIA HISTORICAL LANDMARKS

Will S. Green House

Colusa, Colusa Co.

Commissioner Green moved to approve the Consent Calendar. Commissioner Novey seconded the motion. The Consent Calendar for the National Register properties be accepted and transmitted to the State Historic Preservation Officer for forwarding to the Keeper for placement on the National Register of Historic Places at the appropriate

levels of significance and also for placement on the California Register of Historical Resources. Commissioner Bricker commended the preparers of the nominations, which reflect a great deal of care and commitment to the careful analysis of the sites. Commissioner Bricker also thanked the applicants for their efforts. Chairperson Hartig thanked Jay Jennings, City of San Ramon, for the Forest Home Farms; Christy Johnson McAvoy, Historic Resources Group, for the Ziegler Estate; and attendees from the City of San Diego for the Mohnike Adobe Ranch. **Action:** Motion carried unanimously.

X. DISCUSSION CALENDAR

A. NEW APPLICATIONS

None scheduled.

B. PROGRESS REPORT

The following nominations have been placed on the National Register of Historic Places. The National Park Service Notice of Listings identifying these nominations has been received by the Office of Historic Preservation since the last regular meeting of the Commission. *These properties also have been placed on the California Register of Historical Resources.*

McCarty Memorial Christian Church , Los Angeles, Los Angeles County	1/17/02
Cascade Theatre , Redding, Shasta County	1/17/02
El Cortez Apartment Hotel , San Diego, San Diego County	1/17/02
Goleta Depot , Goleta, Santa Barbara County	1/18/02
Donner-Houghton House , San Jose, Santa Clara County	1/24/02
Hoover Hotel , Whittier, Los Angeles County	2/01/02
Azusa Civic Center , Azusa, Los Angeles County	2/21/02

XI. CALIFORNIA REGISTER OF HISTORICAL RESOURCES

A. DISCUSSION CALENDAR

None scheduled.

B. REQUEST FOR REDETERMINATION

Azusa Drive-in Theater
Azusa, Los Angeles County

Deputy State Historic Preservation Officer Stephen Mikesell reported that if the Commission determined that the Azusa Pacific University had presented sufficient evidence of the existence of a significant error in the facts, information or analysis on which the determination was made, or the determination appeared to have been arbitrary, capricious or based on substantial error, then the Commission could set a date for hearing the redetermination.

If the Commission determined that the Azusa Pacific University has not presented sufficient evidence to warrant a redetermination of the Commission's decisions, the determination would stand. The Office of Historic Preservation does not believe that the information presented to the Commission was sufficient to warrant a redetermination.

Chairperson Hartig stated that parameters of a redetermination are quite narrow and the Commission would need to find that there had been a significant error in the facts and the proceedings leading up to the decision. Chairperson Hartig requested speakers to limit the range of comments to the actual request for redetermination.

Proponents to the Request for Redetermination

Mr. Patrick Perry, Attorney presenting Azusa Pacific University, spoke in opposition to the staff recommendations, citing the letter from the City of Azusa objecting to the Commission's decision as a violation of the First Amendment and RLUIPA (Religious Land Use and Institutionalized Persons Act).

Dr. Cliff Hamlow, Vice President, Azusa Pacific University, opposed the staff recommendation and stated that the decision was arbitrary and did not consider all of the issues. The City government is in support of the University. Dr. Hamlow stated that the Commission did not adequately respond to the issues raised by the City. He requested the Commission to reconsider and respond to the specific issues from the City government.

Chairperson Hartig asked for clarification of Mr. Perry's comment that the findings did not provide a nexus with the University's objection to the designation.

Dr. Hamlow stated that Azusa Pacific University is a religious organization.

Mr. Marco Martinez, Assistant City Attorney, City of Azusa, spoke in opposition to the staff recommendation. Mr. Martinez referred to a letter that was sent to the Commission which outlined several points of their position. The City does not believe that the findings were adequately addressed. Mr. Martinez also read into the record a letter that was handed out to the Commission from the Azusa City Manager, which presented the City's position.

Commissioner Hildebrandt asked Mr. Martinez for the main objections from the City of Azusa.

Mr. Martinez stated that the main objection was that the findings were inadequate because the statute requires a higher level of a specific finding that addresses why the Commission's decision overrides the City of Azusa. The City did not see this in the findings.

Commissioner Bricker asked Legal Counsel Tara Lynch if there is a clear definition as to what would constitute either adequate findings or is the level of findings a higher standard when there is opposition from the local government.

Tara Lynch, Legal Counsel, read for the record, Public Resources Code 5024.1(f)(3), which states that if the local government objects to the nomination, the Commission shall give full and careful consideration to the objection before acting upon the nomination. Where an objection has been raised, the Commission shall adopt written findings to support its determination concerning the nomination. At a minimum, the findings shall identify the historical or cultural significance of the resource and, if applicable, the overriding significance of the resource that has resulted in the resource being listed in the California Register over the objections of the local government.

Commissioner Bricker stated that the Commission has a consideration to a higher standard when it deals with a resource that is less than 50 years of age. Because of this, the Commission was extremely careful in deliberation about the resource, its historic and architectural significance and also the issue of integrity. Commissioner Bricker stated that she feels very comfortable personally that this was not a capricious act on the Commission's part and that she thought it was a thorough and well- prepared document. Commissioner Bricker said that the Commission did receive the letter from the City and that the Commission's approval of the application was not a casual action.

Mr. Martinez stated that he still disagrees because the level of analysis contained in the findings or in the record is inadequate.

Opposition to the Request for Redetermination

Christina Madrid, Mayor of City of Azusa, referring to the 4 to 1 vote of the City Council, stated that one of the members should have been disqualified from voting because he is employed by Azusa Pacific University. Mayor Madrid stated that there is a viable reuse for the drive-in and there is no basis for a redetermination. She read a letter from a member of the City historical commission which stated that there are current and former members who support the nomination prepared by the Los Angeles Conservancy. The nomination has merit and was fairly and accurately prepared and has community support.

Trudi Sandmeier, Los Angeles Conservancy, stated that the Conservancy supports the viability and the completeness of the application. The additional information requested by the Commission at the last meeting was in the process of being prepared by the student who wrote the nomination and will be submitted to the State Office next month. Ms. Sandmeier also mentioned that the application was robustly discussed and was determined eligible by a unanimous vote by the Commission; it was a fair and adequate hearing. The issue of exceptional significance criteria required for resources that are less than 50 years of age was fully evaluated and discussed. A letter written by the National Trust for Historic Preservation was submitted to the Commission regarding the religious laws that were raised by the University.

Commissioner Bricker requested that a copy of the letter be circulated to the Commission.

Chairperson Hartig stated that the position of the property owners is that the action was not based on substantial consideration of their objection and this was not reflected in the findings. Chairperson Hartig stated that it is her recollection that the deliberation was complete and the findings reflect an understanding of objection but also acknowledges the Commission's responsibility, under state law, to recognize important resources.

Commissioner Hildebrandt moved to oppose the redetermination. Commissioner Bricker seconded the motion. Commissioner Hildebrandt stated that all of the local government objections and of the land issues were thoroughly discussed in the deliberations at the previous meeting. Therefore the decision was not at all arbitrary. He felt that the findings were not as detailed as our discussions or the nomination and the letters in response but that the findings do acknowledge the objections of the local government and therefore are sufficient for having the findings being an accurate reflection of what happened.

Commissioner Bricker stated that no evidence has been presented to the Commission to suggest that there were any problems in that area regarding significant errors of fact, information or analysis.

Commissioner Henderson stated that one of the issues in the May 1, 2002 letter had to do with the decision was there because the theater does not invite distinct characteristics of type or period in method of construction. The discussion and the findings outline exactly what a drive-in theater is. The general elements of a drive-in theater are exhibited in the resource. The general implication that this approval and listing on the California Register somehow inhibits the property owner's use of the property. The California Register does not preclude demolition of a site or reuse for some other needs. It does trigger certain government regulations. It may trigger local regulations that exist in the City of Azusa. But it does not prohibit the property owner to do something with his property. But he has to make consideration on this resource that may require some mitigation.

Chairperson Hartig stated that she believes that the item of the Azusa Foothill Drive-in was thoroughly discussed, all parties were duly listened to, and were accorded more than adequate time. The Commission carefully addressed the range of issues surrounding the significance of the resource. There were no procedural errors in our proceedings. The findings relay the Commission's decisions and are adequate, per the Public Resources Code. In terms of the RLUIPA and the related SB 133 claims that this represents a regulatory action and land use decision that would inhibit the University's ability to perform its religious duties, those findings have not been adequately made. Hartig stated that she believes RLUIPA is not pertinent nor are the state requirements that prohibit local bodies from determining religious affiliated properties as resources.

Commissioner Choy responded to a letter sent to Dr. Mellon by the opposing attorney, stating that the City specifically objected to the nomination on the grounds that the Drive-in is nothing more than a nostalgic icon of recent popular culture. Commissioner Choy stated that in the Commission's opinion culture is actually a very viable part of American history, and that it was not true that the drive-in lacks important historical or architectural significance. He noted that the drive-in does represent a certain type of architecture in our pop culture in the 20th century.

Chairperson Hartig stated that the motion before the Commission was to deny the request of the Azusa Pacific University for a redetermination hearing on the eligibility for the Azusa Foothill Drive-in Theater. Chairperson Hartig requested a hand vote. **Action:** motion carried with the following vote: six opposed and one abstention. The request for redetermination was denied.

C. FINDINGS

Coronado Belt Line Right of Way San Diego County

Chairperson Hartig stated that at the previous meeting the Commission found that the Coronado Belt Line Right of Way was eligible for listing in the California Register of Historical Resources.

Mr. Mikesell read for the record staff's recommendation. In summary, the California Register application was approved by the Commission at its February 1st meeting in Davis. There were no findings available at the time of the meeting, because the draft finding that was available was inconsistent with the action of the Commission. The Commission directed staff to prepare a finding that was consistent with its action for consideration and approval by the Commission at the next public meeting. Mr. Mikesell stated that the office sent copies of the draft finding to the Commission and that it is staff's recommendation to complete the approval that was adopted by the Commission in February.

Chairperson Hartig stated that if the findings were available that the findings would have been adopted based on the Commission's action and that this item was nothing more than adopting findings to complete the action of this body.

Proponents to the Adoption of the Findings

Ms. Susan Brandt-Hawley, attorney representing Save our Heritage Organization (SOHO) and the City of National City, expressed support that the findings are indeed adequate and the basis for the Commission's decision, which is explained in Criteria 1 and 3, determined that this is an eligible resource. Ms. Brandt-Hawley stated that the Commission does not have land use decision within its purview, and that land use should not be factored into the decision about the findings. She noted that, although the objections of the City of San Diego were not specifically referenced in the findings, the objections of the City were fully considered as reflected in the minutes. Ms. Brandt-Hawley reported that the statute states that the Commission must show that the objections were

considered and explain why the Commission decided to approve the findings and the listing over the objections of local governments.

Opposition to the Adoption of the Findings

Mr. Chris Salomone, Community Development Director, City of Chula Vista, stated that the City of Chula Vista was concerned that the Commission would adopt the findings in face of three expert studies and the staff report to the contrary. The City had relied upon a 1994 Caltrans study that concluded that the railroad was not historically significant. The rail lines have been removed, paved over and used as a bike lane. Mr. Salomone stated that Criterion 3 exemplifies the ambience or feeling of the branch line as it would have existed. Ten years ago, there were factories along the corridor. The City bought parcels and closed down auto wrecking yards, a restaurant, and hotel. The City has closed down these facilities which attracted the homeless. The ambience did not exist 10 years ago and will not exist 10 years from now.

Mr. David Hanson, Deputy City Attorney, City of Chula Vista, stated that there should be a full and careful consideration in overriding the objections. The findings do not reflect this and the evidence of significance is not adequate and is not supported by what is in the findings. The findings may reflect the Commission's action but do not necessarily reflect the facts.

Commissioner Henderson stated that the findings will be appended to the nomination, including all the correspondence, staff reports and letters which will all be part of the public record. Commissioner Henderson stated that if the findings had said everything that was said in all the nominations, letters and all the reports, the findings would be huge. This is a general synopsis to justify the Commission's action and will go with all of the documentation that's part of the public record.

Chairperson Hartig clarified for the Commission that the action is to adopt findings to complete the action taken in February. If the Commission chooses not to adopt findings, then the resource will be determined not eligible.

Chairperson Hartig stated that this was not a duly noticed public hearing to determine eligibility of the resource nor an opportunity to review all the evidence into the record. The current action was not to discuss the merits of that case. The Commission decided and voted on eligibility, which was a long, contentious and difficult conversation.

Greg Wade, Community Development Director, City of Imperial Beach, stated that the City opposed the adoption of the findings. The findings do not support the evidence presented by the City of San Diego, City of Azusa, City of Chula Vista and now the City of Imperial Beach.

Mr. James Barwick, Assistant Director, Port of San Diego, stated that the Port does support historical things and public art, but that the findings do not reflect

the facts. There were a series of objections by the City of San Diego, the City of Chula Vista and the Port of San Diego and he expected that there would be a higher standard applied to the findings for a resolution. Mr. Barwick stated that with his engineering degree, the resource is described as very ordinary or common place and not really significant historically or otherwise.

Ms. Marie Lia, attorney representing Port of San Diego, stated that it is the Port District's position that the evidence in the record is inadequate to support the findings. If the railroad had met either criteria, the property has lost its integrity as defined in the California Register. There had been three independent professional historians that have reviewed this property who found that it failed to meet any of the criteria. Ms. Lia stated that it might be appropriate to address this with a request for a redetermination but that the City did not have a chance to submit a request because there was not a final action. The action today would be a final action which would mean their right to request a redetermination. The state statute calls for overriding significance when an action is taken over the objections of the local government which the City of San Diego is opposing. The idea is that this is supposed to be an example of engineering over the marshlands. The entire evidentiary basis for this action is the nomination. Engineering and marshlands are not mentioned in the nomination nor in the nomination narrative. The findings make statements in terms of significant engineering through the marshlands but the nomination does not provide any evidence in support of that.

Chairperson Hartig asked Tara Lynch to address two key issues. First, the findings need to reflect the deliberations of the Commission. In this case they need to note the objections of the local governments and also note that there is an overriding significance of the resource based on the objections. Secondly, if findings are not adopted, does this constitute a final action? If the Commission decides not to adopt the findings, this would reverse our previous decision. In essence, the Commission would have held a defacto public hearing, taken an action without due notice.

Commissioner Bricker asked Tara Lynch what the definition of evidence or record is. One of the points that has been heard is that the nomination that we based the decision on would be fairly narrow in our decision and that the Commission ignored the other information that was available to us.

Tara Lynch stated that if the findings were not adopted, that would be a final action. Public Resources Code 5024.1(f)(3) state that written findings are required when an objection has been raised. As such, the Commission shall adopt written findings to support its determination concerning the nomination. At a minimum, the findings shall identify the historical or cultural significance of the resource and if applicable, the overriding significance of the resource that has resulted in the resource being listed in the California Register over the objections of the local government. Title XIV California Code of Regulations, 4855c 2 & 3 states that a historical resource shall be considered formally listed in the California Register when the Commission, upon reviewing the nomination, designates the resource eligible for listing and accepts it for the California Register, and adopts written findings to support its determination. The findings

shall include a description of the historical resource, the historical or cultural significance of the resource, and identification of the criteria on which any determination is based. Based on those two parts of the law, if the Commission does not adopt findings, the resource cannot be nominated to the California Register. If the Commission cannot agree on findings, the motion dies.

Chairperson Hartig stated that the motion in February 2002 was to determine the Coronado Belt Line eligible to the California Register and directed staff to draft findings reflective of its meeting Criteria 1 and 3. Tara Lynch stated that the Commission should not let the issue go without having findings that everyone agrees to which reflect what happened at the Commission meeting in February.

Chairperson Hartig stated that it would be the majority vote of the Commission at that meeting, regardless of who was there and who was not, and that it was a majority vote that those findings would have to support. The Commission based the deliberations on evidence that pertain to the nomination. Chairperson Hartig stated that there was significant evidence in the two reports that have been cited numerous times. Not all the reports were completely decisive; there was a great deal of information that was helpful in the reports which contributed to the deliberations.

Commissioner Henderson reported that it has been stated that these three experts were against the nomination which is not a true statement. Commissioner Henderson pointed out Dr. Karen Weitze's report specifically stated the engineering achievements for this segment of the Coronado Belt Line were substantial and that the photographs clearly shows the difficulty the people had to undertake to put that line in.

Chairperson Hartig asked Tara Lynch would the Commission be in violation of the Bagley Keene Act if the Commission had a reconsideration of the entire nomination without public notification.

Tara Lynch stated that if the Commission were to deem this reconsideration, it has not been properly noticed for the purpose of the Bagley-Keene Act.

Commissioner Hildebrandt stated that if the Commission were to decide that the findings do not accurately reflect the February decision, then the Commission would need to rewrite the findings so that they did.

Chairperson Hartig stated that the Commission could suggest additions, changes or deletions to the findings before they were adopted.

Tara Lynch referred the Commission to the Public Resources Code 5024.1(f)(3).

Chairperson Hartig stated that the Commission was charting new territory with the California Register, which was relatively a new program. The patterns of designation and the way in which the resources will be brought to the Commission are still evolving.

Commissioner Maniery made the motion to include the comments of the Cities of Imperial Beach and San Diego in the findings as objecting to the listing of the property. Commissioner Bricker added to the motion the changes of the engineering language to construction methods and strategies. Commissioner Henderson also added to the motion that the words “coastal ports” be changed to “cities”. Commissioner Bricker seconded the motion. **Action:** Motion carried unanimously to the changes of the draft findings.

Commissioner Henderson moved to adopt the draft findings as amended for the redetermination of eligibility for the Coronado Belt Line Right Of Way. Commissioner Choy seconded the motion. **Action:** Chairperson Hartig called for a hand vote. Four in favor, none against, and three abstentions.

XII. CALIFORNIA HISTORICAL LANDMARKS

A. DISCUSSION

None scheduled.

B. PROGRESS REPORT

Registration approved by the Director of the Department of Parks and Recreation. This property also has been listed on the California Historical Landmarks:

None listed.

XIII. CALIFORNIA POINTS OF HISTORIC INTEREST

A. DISCUSSION

None scheduled.

B. PROGRESS REPORT

Registrations approved by the Director of the Department of Parks and Recreation. These properties also have been listed on the California Register of Historical Resources:

YUB-016: Yuba Power House District, Yuba County

XIV. PUBLIC COMMENTS AND HEARINGS

Presentations of comments or concerns by the general public are encouraged:

- A. Chairperson Hartig introduced Vicki Beard, Secretary for Society for California Archaeology, (SCA) who stated that the month of May is California Archaeology Month. SCA has sponsored this event for 10 or more years. Ms. Beard circulated brochures and presented posters to the Commission and staff. The

focus of Archaeology Month is to make the public aware of California's rich archaeological heritage.

Chairperson Hartig commended SCA for promoting awareness of California's diverse archaeological resources.

Commissioner Maniery stated that SCA held its annual meeting in San Diego at which The Thomas F. King Award was given those most instrumental in shaping cultural resources in our state. The 2002 co-award recipients were OHP staff members Dwight Dutschke and Hans Kreutzberg.

Chairperson Hartig stated that the award is truly meaningful and is given after careful deliberation, and offered congratulations to Mr. Dutschke and Mr. Kreutzberg.

- B. Charles Birnbaum, National Park Services, Washington D.C. coordinator of the National Parks Services Historic Landscapes Initiative, acknowledged that a great dilemma in landscape preservation exists. There is a disconnect between the registration and treatment of cultural landscapes. Mr. Birnbaum stated that he is evaluating every campus on the National Register for National Historic Landmarks in America. This is an opportunity to take a leadership role in cultural landscapes but the challenge is to provide sufficient contents for these resources. Some of the most significant expressions of landscape architecture in California are slipping through the cracks. Mr. Birnbaum pleaded to the Commission to update partnerships. There is no budget and the Landscape Initiative has been a shoestring operation. Washington is not thinking strategically about the nominations. It is one thing to register landscapes but must also recognize not to compromise the visual and spatial relationships. It must be recognized that the open space itself is essential to the design.

Chairperson Hartig thanked Mr. Birnbaum for his dedication and for transforming the way in which the land is looked upon.

Commissioner Bricker thanked Mr. Birnbaum for his presentation and for his recognition of California's landscapes.

- C. Kimball Koch, National Park Service, Western Regional Office, stated that a difficult issue with cultural landscapes is to place them on the National Register where often times the landscape is simply mentioned, if it is even mentioned, in the context of setting. The value of setting must be emphasized. Certain characteristics are documented through the National Register process, but what is around the buildings must be fully recognized. Mr. Koch stated that he is working with the Office of Historic Preservation and with State Parks to recognize cultural landscapes. Mr. Koch described the main definitions of cultural landscapes in a slide presentation.

Chairperson Hartig thanked Mr. Koch for his helpful presentation. The Commission must now deal with these issues in the nominations in a more enlightened way.

Commissioner Green expressed concern that the Stanford Mansion in Sacramento is not dealing with landscape issues. There is danger of losing the landscape. Mr. Koch stated the Mansion is a National Historic Landmark and suggested seeking technical assistance from Mr. Michael Crowe, who coordinates the NHL program in California.

Commissioner Henderson stated that the Commission considered the significance of a railway site that originally connected the City of San Diego through National City, Imperial Beach, and Chula Vista to Coronado but was not evaluated as a cultural landscape. Commissioner Henderson requested that staff send a copy of the nomination to Mr. Koch for his comments.

Mr. Koch stated that he would be delighted and mentioned that NPS has a railroad expert in the Western Regional office.

Dr. Verardo stated that the depth of the cooperation with NPS in places such as Big Basin Redwoods is critically important. It is wise for State Parks to take cultural landscapes into consideration in its general plan.

Mr. Koch stated that California has some of the most amazing and wonderful resources. The Federal Government in the 1960s and 1970s, in its effort to get people out to the parks, put non-historic structures within the middle of prime resources.

- D. Tom Winter, Executive Director of the State Historical Building Safety Board, stated that the State Historical Building Code was one of the key preservation incentives originally envisioned in the first California History Plan in 1973. Mr. Winter stated that it is difficult to restore historic properties in California, due to the Standard Building Code resisting putting back historic features in their historic manner because they no longer fit in the modern building code. The tie between the Commission and the Building Safety Board has been very close for many years. Mr. Winter stated that the building code overlaps into sites, structures, and objects. Mr. Winter stated he looked forward to continuing and strengthening the relationship with the Commission.

Chairperson Hartig acknowledged the important contribution by the State Historical Building Safety Board.

Commissioner Henderson congratulated Mr. Winter on his recent appointment as Executive Director. Commissioner Henderson stated that he was a member of the original Advisory Board and served on the State Historical Safety Board for 22 years.

- E. Mr. Allen Eliot and Ms. Diane Kane presented information and handouts on the Transportation Enhancement Act (TEA) program. Restrictive TEA funding impacts historic resources by reducing the amount of TEA funding available to eligible historic projects. Information was circulated to the Commission and staff. Mr. Eliot informed the Commission on the changes that have been taking place with TEA funding and hoped that the Commission could promote TEA funding program.

Commissioner Bricker recommended working with Commissioner Maniery to coordinate the Commission's participation to promote preservation of TEA funding.

XV. ACTION AND DISCUSSION ITEMS

A. California Heritage Fund Grants, First Cycle

Mr. Eugene Itogawa stated that on March 1, 2002 OHP received 56 excellent and worthy applications for the first round of grants under the California Heritage Grants Program in which \$4,000,000 will be available in the first cycle of grant funds. It was very difficult determining which projects would be funded. In consultation with Dr. Mellon, the staff recommended 30 projects to be funded. Not every project will be receiving the dollar amount requested but the office attempted to be as generous as possible with every project.

Ms. Paula Jow presented a summary of the selected projects in a slide presentation of the 30 projects recommended for funding. Ms. Jow stated that this is the first cycle and the second cycle deadline is August 2, 2002. There is still an opportunity to apply to this program for the remaining \$4.5 million dollars in funds on a statewide competitive bases.

Commissioner Novey moved to approve the California Heritage Fund Grants, First Cycle. Commissioner Henderson seconded the motion. **Action:** Motion carried unanimously.

XVI. COMMISSIONERS' REPORTS

Liaison and Committee Progress Reports:

A. State Historical Building Safety Board Committee – Commissioners Bricker and Choy

Chairperson Hartig reported that Commissioner Bricker represented the Commission at the Historical Building Safety Code Committee meeting in which an update to Chapter 10 addressed historic districts, sites and open spaces, and parameters of the Building Code. The Committee will continue to develop ways to help in the treatment of features included in Chapter 10.

B. California Heritage Fund Committee – Commissioners Novey and Green

Commissioner Novey reported that OHP staff has done a remarkable job in granting 30 of the 56 applications submitted during the first cycle of funding.

Commissioner Green stated that there is statistical information on the types of applications submitted and suggested that the public contact staff for more information.

C. Public Outreach Committee – Chairperson Hartig and Commissioner Schechter

Chairperson Hartig reported that the Public Outreach Committee will meet in May 2002 to consider the unfortunate demolition of the Mazlin House, a Richard Neutra designed house in Rancho Mirage. This demolition underscores the need for more affective outreach to property owners and local governments. The Committee will be corresponding with the Rancho Mirage city officials who realized the error in judgement. The Committee will promote the California Heritage Fund awards and the importance these monies will make in local governments and communities.

D. Information Center Procedural Committee – Commissioners Maniery and Hildebrandt

Commissioner Maniery reported that the Information Center representatives met in Bakersfield in February. The Information Center Committee is preparing operation and procedure manuals for the Information Centers and will be incorporated into the public record as part of the proposed regulations for the Centers. A meeting has been scheduled in May to finalize some of the issues that the Committee recommended. The Committee plans to present a draft of the regulations to the office to review for comments.

E. Public Policy and Legislation Committee – Commissioners Green and Novey

Commissioner Green reported that Senate Bill 1247 deals with the allocation of the \$267.5 million from Proposition 40 which was passed in March. SB 1247 is still in Committee hearings.

Commissioner Hildebrandt reported that Senate Bill 1816 was introduced by Senator Chesbro in response to an important archaeological site which was looted in the Yurok territory in Humboldt County. The new legislation will give more power to prosecuting people who loot archaeological sites as a felony. With the legislation, no person shall knowingly or willingly excavate, remove or destroy, injure or deface a Native American historic, cultural or sacred site, including any historic or pre-historic ruin, burial ground, archaeological site, any inscriptions made on Native American rock art, or any archaeological or historic feature situated on private or public land. The problem with the bill is that any academic archaeological research or scientific work associated with cultural resource management would now be a felony. Commissioner Hildebrandt suggested adding language to the bill that exempts academic research and project-related work from SB 1816. Commissioner Hildebrandt asked permission from the Commission to draft a letter and send it to the proper authorities.

Commissioner Novey moved to have Commissioner Hildebrandt draft a letter and send it to the proper authorities. Commissioner Green seconded the motion.

Action: Motion carried unanimously.

F. Yearly Goals and Objectives Committee – Chairperson Hartig

Chairperson Hartig pledged commitment to ensure significant funding for the California Heritage Fund from Proposition 40.

XVII. COMMISSIONER'S COMMENTS

Commissioner Maniery stated that she had the pleasure and the honor to attend Mr. Daniel Abeyta's retirement party on March 8, 2002 in Sacramento and presented him with a framed resolution of the Commission that honored him for his distinguished service as Acting State Historic Preservation Officer and commended him for his work as Executive Secretary to the Commission.

XVIII. MEETING DATES AND LOCATIONS FOR 2002

August 2	Folsom	Regular Quarterly Meeting
November 8	Riverside	Regular Quarterly Meeting

XIX. ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 2:05 p.m.

Respectfully submitted,

Dr. Knox Mellon
Executive Secretary

DATED _____